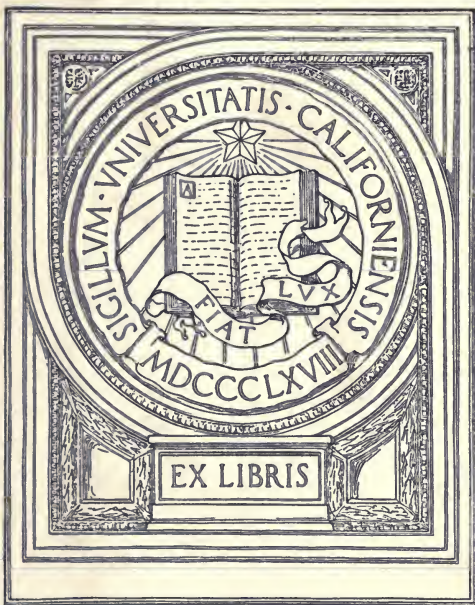


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Pamphlet Series

THE NEW PAN AMERICANISM

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THE NEW PAN AMERICANISM

INTRODUCTION.

The object of this publication is to bring together the essential utterances and facts that contribute to a clearer definition of a Pan American league of peace. It would be interesting to review events of the nineteenth century that have exhibited the Monroe doctrine in the light of the common interests of American sovereignties and peoples. Such a story would extend from the Congress of Panamá in 1826 up to the International American Conference of 1889-90 and its successors in the series of Pan American conferences, with all that they have implied. But we confine ourselves to the most recent manifestations of Pan Americanism, believing that they introduce the promise of new harmonies, to which earlier events have been something like a prelude.

The first official statement which clearly voiced the ideals of the new Pan Americanism was the speech made by Hon. Elihu Root before the Third International American Congress at Rio de Janeiro, July 31, 1906. At that time Mr. Root, who was then secretary of state in President Roosevelt's cabinet, expounded the doctrine of American international solidarity of interests. The most significant sentences of that address are here quoted:

... No nation can live unto itself alone and continue to live. Each nation's growth is a part of the development of the race. . . . It is with nations as it is with individual men; intercourse, association, correction of egotism by the influence of other's judgment, broadening of views by the experience and thought of equals, acceptance of the moral standards of a community the desire for whose good opinion lends a sanction to the rules of right conduct—these are the conditions of growth in civilization. . . .

To promote this mutual interchange and assistance between the American Republics, engaged in the same great task, inspired by the same purpose, and professing the same principles, I understand to be the function of the American Conference now in session. There is not one of all our countries that cannot benefit the others; there is not one that

cannot receive benefit from the others; there is not one that will not gain by the prosperity, the peace, the happiness of all. . . .

The association of so many eminent men from all the Republics, leaders of opinion in their own homes; the friendships that will arise among you; the habit of temperate and kindly discussion of matters of common interest; the ascertainment of common sympathies and aims; the dissipation of misunderstandings; the exhibition to all the American peoples of this peaceful and considerate method of conferring upon international questions—this alone, quite irrespective of the resolutions you may adopt and the conventions you may sign, will mark a substantial advance in the direction of international good understanding.

These beneficent results the Government and the people of the United States of America greatly desire.

We wish for no victories but those of peace; for no territory except our own; for no sovereignty except the sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire, and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights, or privileges, or powers that we do not freely concede to every American Republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this, is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together.

Within a few months, for the first time, the recognized possessors of every foot of soil upon the American continents can be and I hope will be represented with the acknowledged rights of equal sovereign states in the great World Congress at The Hague. This will be the world's formal and final acceptance of the declaration that no part of the American continents is to be deemed subject to colonization. Let us pledge ourselves to aid each other in the full performance of the duty to humanity which that accepted declaration implies, so that in time the weakest and most unfortunate of our Republics may come to march with equal step by the side of the stronger and more fortunate. Let us help each other to show that for all the races of men the liberty for which we have fought and labored is the twin sister of justice and peace. Let us unite in creating and maintaining and making effective an all-American public opinion, whose power shall influence international conduct and prevent international wrong and narrow the causes of war, and forever preserve our free lands from the burden of such armaments as are massed behind the frontiers of Europe, and bring us ever nearer to the perfection of ordered

liberty. So shall come security and prosperity, production and trade, wealth, learning, the arts, and happiness for us all.

Not in a single conference, nor by a single effort, can very much be done. You labor more for the future than for the present; but if the right impulse be given, if the right tendency be established, the work you do here will go on among all the millions of people in the American continents, long after your final adjournment, long after your lives, with incalculable benefit to all our beloved countries, which may it please God to continue free and independent and happy for ages to come.

This message brought by Secretary Root to the American Republics was, during that summer, repeated by him in many South American capitals, and elicited everywhere a cordial and sympathetic response. When the invitations of the new Pan Americanism were renewed by President Wilson, they acquired a peculiar emphasis from the coincident relapse of international relations in the Old World into primitive chaos. The President's first utterances concerning Pan American affairs were a sufficient basis for the adoption of a proposal in the Governing Board of the Pan American Union for the creation of a committee to study neutral interests in the stress of the European war.

Moreover, the administration began its term with a proposal for treaties for the advancement of peace, embodying the principle of the commission of inquiry in such a way as to cover disputes not falling within the scope of arbitration. These engagements, sixteen of which are in force, prohibit war until this method of conciliation has had fair trial. On April 22, 1915, Honduras proposed a general Pan American treaty to secure universal recognition of this principle.

The Second Pan American Scientific Congress assembled in the last days of 1915, a visible sign to the peoples of the two Americas of the friendliness which governments had been developing. President Wilson and Secretary of State Lansing both addressed its sessions, emphasizing the propriety and wisdom of mutual respect and helpfulness in the international relations of the American sovereignties. The address of the secretary of state was followed immediately by a circular note to all American Governments proposing

the negotiation of a common agreement upon essential principles of American international policy. This negotiation cannot be without effect, and it may become the keystone in the arch of the new Pan Americanism. At present the fundamental suggestions under discussion are these:

1. Territorial integrity of each state is guaranteed by all.
2. All states agree to maintain the republican form of government.
3. All disputes except those affecting independence shall be submitted to settlement by diplomacy, arbitration or commissions of inquiry.
4. Internal disturbances in one state shall not be aided or abetted from another. (The specific provisions tend to uphold stable governments.)

The purpose of the new Pan Americanism has been succinctly defined by Secretary Lansing in these words:

"The Monroe doctrine is a national policy of the United States; Pan Americanism is an international policy of the Americas. The motives are to an extent different; the ends sought are the same. Both can exist without impairing the force of either. And both do exist and, I trust, will exist in all their vigor."

1. President Wilson's Policy toward Latin America.¹

The Secretary of State to American Diplomatic Officers in Latin America.

(TELEGRAM.)

DEPARTMENT OF STATE,
WASHINGTON, March 12, 1913, 1 P.M.

Only for your information and guidance I quote the following:
"In view of questions which are naturally uppermost in the public mind just now the President issued the following statement:

"One of the chief objects of my administration will be to cultivate the friendship and deserve the confidence of our sister republics of Central and South America and to promote in every proper and honorable way the interests which are common to the peoples of the two continents.

"I earnestly desire the most cordial understanding and co-operation between the peoples and leaders of America and therefore deem it my duty to make this brief statement. Co-operation is possible only when supported at every turn by the orderly processes of just government based upon law, not upon arbitrary or irregular force.

"We hold, as I am sure all thoughtful leaders of republican governments everywhere hold, that just government rests always upon the consent of the governed and upon the public conscience and approval. We shall look to make these principles the basis of mutual intercourse, respect and helpfulness between our sister republics and ourselves. We shall lend our influence of every kind to the realization of these principles in fact and practice, knowing that disorder, personal intrigue and defiance of constitutional rights weaken and discredit government and injure none so much as the people who are unfortunate enough to have their common life and their common affairs so tainted and disturbed. We can have no sympathy with

¹Sent to Mexico City, Mexico; Port au Prince, Haiti; Santo Domingo, Dominican Republic; Caracas, Venezuela; San Salvador, El Salvador; Panamá, Panamá.

Repeated to Guatemala City, Guatemala; Tegucigalpa, Honduras; Managua, Nicaragua; San José, Costa Rica; Bogotá, Colombia; Quito, Ecuador; Santiago, Chile; Lima, Peru; La Paz, Bolivia; Buenos Aires, Argentina; Montevideo, Uruguay; Rio de Janeiro, Brazil.

those who seek to seize the power of government to advance their own personal interests or ambitions.

“We are the friends of peace, but we know that there can be no lasting or stable peace under such circumstances. As friends, therefore, we shall prefer those who act in the interest of peace and honor, who protect private rights and respect the restraints of constitutional provisions. Mutual respect seems to us the indispensable foundation of friendship between states as between individuals.

“The United States has nothing to seek in Central and South America except the lasting interests of the peoples of the two continents, the security of governments intended for the people and for no special group or interest, and the development of personal and trade relationships between the two continents which shall redound to the profit and advantage of both, and interfere with the rights and liberties of neither.

“From these principles may be read so much of the future policy of this government as it is necessary now to forecast, and in the spirit of these principles I may, I hope, be permitted with as much confidence as earnestness, to extend to the governments of all the republics of America the hand of genuine disinterested friendship and to pledge my own honor and the honor of my colleagues to every enterprise of peace and amity that a fortunate future may disclose.”

BRYAN.

2. The United States and Latin America.

(Address by President Wilson before the Southern Commercial Congress at Mobile, Alabama, October 27, 1913.)

Your Excellency, Mr. Chairman, it is with unaffected pleasure that I find myself here to-day. I once before had the pleasure, in another southern city, of addressing the Southern Commercial Congress. I then spoke of what the future seemed to hold in store for this region, which so many of us love and toward the future of which we all look forward with so much confidence and hope. But another theme directed me here this time. I do not need to speak of the South. She has, perhaps, acquired the gift of speaking for herself. I come because I want to speak of our present and prospective relations with our neighbors to the south. I deemed it a public duty, as well as a personal pleasure, to be here to express for myself and for the government I represent the welcome we all feel to those who represent the Latin-American states.

The future, ladies and gentlemen, is going to be very different for this hemisphere from the past. These states lying to the south of us, which have always been our neighbors, will now be drawn closer to us by innumerable ties, and, I hope, chief of all, by the tie of a common understanding of each other. Interest does not tie nations together: it sometimes separates them. But sympathy and understanding does unite them, and I believe that by the new route that is just about to be opened, while we physically cut two continents asunder, we spiritually unite them. It is a spiritual union which we seek.

I wonder if you realize, I wonder if your imaginations have been filled, with the significance of the tides of commerce. Your governor alluded in very fit and striking terms to the voyage of Columbus; but Columbus took his voyage under compulsion of circumstances. Constantinople had been captured by the Turks and all the routes of trade with the east had been suddenly closed. If there was not a way across the Atlantic to open those routes again, they were closed forever, and Columbus set out, not to discover America, for

he did not know that it existed, but to discover the eastern shores of Asia. He set sail for Cathay, and stumbled upon America. With that change in the outlook of the world, what happened? England, that had been at the back of Europe with an unknown sea behind her, found that all things had turned as if upon a pivot, and she was at the front of Europe; and since then all the tides of energy and enterprise that have issued out of Europe have seemed to be turned westward across the Atlantic. But you will notice that they have turned westward chiefly north of the equator, and that it is the northern half of the globe that has seemed to be filled with the media of intercourse and of sympathy and of common understanding.

Do you not see now what is about to happen? These great tides which have been running along parallels of latitude will now swing southward athwart parallels of latitude, and that opening gate at the Isthmus of Panama will open the world to a commerce that she has not known before,—a commerce of intelligence, of thought and sympathy between north and south. The Latin-American states, which, to their disadvantage, have been off the main lines, will now be on the main lines. I feel that these gentlemen honoring us with their presence to-day will presently find that some part, at any rate, of the center of gravity of the world has shifted. Do you realize that New York, for example, will be nearer the western coast of South America than she is now to the eastern coast of South America? Do you realize that a line drawn northward parallel with the greater part of the western coast of South America runs only about 150 miles west of New York? The great bulk of South America, if you will look at your globes (not at your Mercator's projection), lies eastward of the continent of North America. You will realize that when you realize that the canal will run southeast, not southwest, and that, when you get into the Pacific, you will be farther east than you were when you left the Gulf of Mexico. These things are significant, therefore, of this,—that we are closing one chapter in the history of the world and are opening another of great, unimaginable significance.

There is one peculiarity about the history of the Latin-American states which, I am sure, they are keenly aware of. You hear of

"concessions" to foreign capitalists in Latin America. You do not hear of concessions to foreign capitalists in the United States. They are not granted concessions. They are invited to make investments. The work is ours, though they are welcome to invest in it. We do not ask them to supply the capital and do the work. It is an invitation, not a privilege; and states that are obliged, because their territory does not lie within the main field of modern enterprise and action, to grant concessions are in this condition, that foreign interests are apt to dominate their domestic affairs,—a condition of affairs always dangerous and apt to become intolerable. What these states are going to see, therefore, is an emancipation from the subordination, which has been inevitable, to foreign enterprise and an assertion of the splendid character which, in spite of these difficulties, they have again and again been able to demonstrate. The dignity, the courage, the self-possession, the self-respect, of the Latin-American states, their achievements in the face of all these adverse circumstances, deserve nothing but the admiration and applause of the world. They have had harder bargains driven with them in the matter of loans than any other peoples in the world. Interest has been exacted of them that was not exacted of anybody else, because the risk was said to be greater; and then securities were taken that destroyed the risk,—an admirable arrangement for those who were forcing the terms. I rejoice in nothing so much as in the prospect that they will now be emancipated from these conditions; and we ought to be the first to take part in assisting in that emancipation. I think some of these gentlemen have already had occasion to bear witness that the Department of State in recent months has tried to serve them in that wise. In the future they will draw closer and closer to us because of circumstances of which I wish to speak with moderation and, I hope, without indiscretion.

We must prove ourselves their friends and champions upon terms of equality and honor. You cannot be friends upon any other terms than upon the terms of equality. You cannot be friends at all except upon the terms of honor. We must show ourselves friends by comprehending their interest, whether it squares with our own interest or not. It is a very perilous thing to determine the foreign

policy of a nation to the terms of material interest. It not only is unfair to those with whom you are dealing, but it is degrading as regards your own actions.

Comprehension must be the soil in which shall grow all the fruits of friendship; and there is a reason and a compulsion lying behind all this which is dearer than anything else to the thoughtful men of America. I mean the development of constitutional liberty in the world. Human rights, national integrity, and opportunity as against material interests,—that, ladies and gentlemen, is the issue which we now have to face. I want to take this occasion to say that the United States will never again seek one additional foot of territory by conquest. She will devote herself to showing that she knows how to make honorable and fruitful use of the territory she has, and she must regard it as one of the duties of friendship to see that from no quarter are material interests made superior to human liberty and national opportunity. I say this, not with a single thought that any one will gainsay it, but merely to fix in our consciousness what our real relationship with the rest of America is. It is the relationship of a family of mankind devoted to the development of true constitutional liberty. We know that that is the soil out of which the best enterprise springs. We know that this is a cause which we are making in common with our neighbors, because we have had to make it for ourselves.

Reference has been made here to-day to some of the national problems which confront us as a nation. What is at the heart of all our national problems? It is that we have seen the hand of material interest, sometimes about to close upon our dearest rights and possessions. We have seen material interests threaten constitutional freedom in the United States. Therefore, we will now know how to sympathize with those in the rest of America who have to contend with such powers, not only within their borders, but from outside their borders also.

I know what the response of the thought and heart of America will be to the program I have outlined, because America was created to realize a program like that. This is not America because it is rich. This is not America because it has set up for a great popula-

tion great opportunities of material prosperity. America is a name which sounds in the ears of men everywhere as a synonym with individual opportunity because a synonym of individual liberty. I would rather belong to a poor nation that was free than to a rich nation that had ceased to be in love with liberty. But we shall not be poor if we love liberty, because the nation that loves liberty truly sets every man free to do his best and be his best, and that means the release of all the splendid energies of a great people who think for themselves. A nation of employees cannot be free any more than a nation of employers can be.

In emphasizing the points which must unite us in sympathy and in spiritual interest with the Latin-American peoples, we are only emphasizing the points of our own life, and we should prove ourselves untrue to our own traditions if we proved ourselves untrue friends to them. Do not think, therefore, gentlemen, that the questions of the day are mere questions of policy and diplomacy. They are shot through with the principles of life. We dare not turn from the principle that morality, and not expediency, is the thing that must guide us, and that we will never condone iniquity because it is most convenient to do so. It seems to me that this is a day of infinite hope, of confidence in a future greater than the past has been, for I am fain to believe that, in spite of all the things that we wish to correct, the nineteenth century that now lies behind us has brought us a long stage toward the time when, slowly ascending the tedious climb that leads to the final uplands, we shall get our ultimate view of the duties of mankind. We have breasted a considerable part of that climb, and shall presently—it may be in a generation or two—come out upon those great heights where there shines unobstructed the light of the justice of God.

3. Mexican Affairs and the A. B. C. Mediation.

The year 1911 began with Porfirio Diaz as president of the United Mexican States, a position to which he had been regularly elected since 1884. The Diaz régime was that of a strong man who had drawn to himself and his government much of the human ability which the country had produced. The government was effectively within the control of the *científicos*, or educated upper classes, who controlled much of the land. This situation prevented the free play of opportunity which it is the purpose of democracy to guarantee, and the result was a spreading discontent. Francisco I. Madero headed a revolt against Diaz in the northern states of the country. On May 8 Diaz announced his will to retire; on May 11 Madero set up a provisional government at Juarez, and on May 25 the President did resign. Francisco de la Barra, minister of foreign affairs, became acting President owing to the retirement of Vice President Corral. Señor de la Barra in June decreed elections for October 15, and at the balloting Señor Madero was quietly elected.

Early in 1912 uprisings occurred in several parts of the country under various leaders. On February 18, 1913, a *coup d'état* by the army resulted in the president being made a prisoner. Madero resigned, and General Victoriano Huerta emerged as provisional President. On February 22 Madero was killed while being conveyed from the palace to a prison. Armed opposition to the Huerta régime arose in the several parts of the country. Powers began to recognize the Huerta régime.¹ President Taft refrained because of his

¹ States recognized the Huerta Government as follows: Perú, October 21, 1912; Salvador, February 11, 1913; Guatemala, March 28; Great Britain, March 31; France, April 5; China, April 9; Spain, April 28; Austria-Hungary, April 30; Colombia, May 5; Montenegro, May 14; Germany, May 18; Honduras, May 24; Italy, May 29; Norway, June 9; Ecuador, June 9; Japan, June 12; Netherlands, June 13; Uruguay, June 15; Monaco, June 16; Bulgaria, June 20; Turkey, July 6; Costa Rica, July 14; Denmark, July 21; Haiti, August 8; Portugal, previous to August 9; Bolivia, previous to August 14; Belgium, Switzerland, and Russia.

States not recognizing, or whose recognition was not reported, are: United States of America, Argentine Republic, Brazil, Chile, Cuba, Dominican Republic, Greece, Nicaragua, Panamá, Paraguay, Persia, Sweden, and Venezuela.

imminent retirement from office on March 4, 1913. The policy of President Wilson's administration toward Latin America was promptly outlined in his declaration of March 11. On August 27 the President addressed Congress concerning the Mexican problem as follows:

a. PRESIDENT WILSON'S ADDRESS TO CONGRESS, AUGUST 27, 1913.

"Gentlemen of the Congress, it is clearly my duty to lay before you, very fully and without reservation, the facts concerning our present relations with the Republic of Mexico. The deplorable posture of affairs in Mexico I need not describe, but I deem it my duty to speak very frankly of what this Government has done and should seek to do in fulfillment of its obligation to Mexico herself, as a friend and neighbor, and to American citizens whose lives and vital interests are daily affected by the distressing conditions which now obtain beyond our southern border.

"Those conditions touch us very nearly. Not merely because they lie at our very doors. That of course makes us more vividly and more constantly conscious of them, and every instinct of neighborly interest and sympathy is aroused and quickened by them; but that is only one element in the determination of our duty. We are glad to call ourselves the friends of Mexico, and we shall, I hope, have many an occasion, in happier times as well as in these days of trouble and confusion, to show that our friendship is genuine and disinterested, capable of sacrifice and every generous manifestation. The peace, prosperity and contentment of Mexico mean more, much more, to us than merely an enlarged field for our commerce and enterprise. They mean an enlargement of the field of self-government and the realization of the hopes and rights of a nation with whose best aspirations, so long suppressed and disappointed, we deeply sympathize. We shall yet prove to the Mexican people that we know how to serve them without first thinking how we shall serve ourselves.

"But we are not the only friends of Mexico. The whole world

desires her peace and progress; and the whole world is interested as never before. Mexico lies at last where all the world looks on. Central America is about to be touched by the great routes of the world's trade and intercourse running free from ocean to ocean at the isthmus. The future has much in store for Mexico, as for all the states of Central America; but the best gifts can come to her only if she be ready and free to receive them and to enjoy them honorably. America in particular—America north and south and upon both continents—waits upon the development of Mexico; and that development can be sound and lasting only if it be the product of a genuine freedom, a just and ordered government founded upon law. Only so can it be peaceful or fruitful of the benefits of peace. Mexico has a great and enviable future before her, if only she choose and attain the paths of honest constitutional government.

“The present circumstances of the republic, I deeply regret to say, do not seem to promise even the foundations of such a peace. We have waited many months, months full of peril and anxiety, for the conditions there to improve, and they have not improved. They have grown worse, rather. The territory in some sort controlled by the provisional authorities at Mexico City has grown smaller, not larger. The prospect of the pacification of the country, even by arms, has seemed to grow more and more remote; and its pacification by the authorities at the capital is evidently impossible by any other means than force. Difficulties more and more entangle those who claim to constitute the legitimate government of the Republic. They have not made good their claim in fact. Their successes in the field have proved only temporary. War and disorder, devastation and confusion, seem to threaten to become the settled fortune of the distracted country. As friends we could wait no longer for a solution which every week seemed further away. It was our duty at least to volunteer our good offices—to offer to assist, if we might, in effecting some arrangement which would bring relief and peace and set up a universally acknowledged political authority there.

“Accordingly, I took the liberty of sending the Hon. John Lind, formerly governor of Minnesota, as my personal spokesman and representative, to the City of Mexico, with the following instructions:

"Press very earnestly upon the attention of those who are now exercising authority or wielding influence in Mexico the following considerations and advice:

"The Government of the United States does not feel at liberty any longer to stand inactively by while it becomes daily more and more evident that no real progress is being made toward the establishment of a government at the City of Mexico which the country will obey and respect.

"The Government of the United States does not stand in the same case with the other great governments of the world in respect of what is happening or what is likely to happen in Mexico. We offer our good offices, not only because of our genuine desire to play the part of a friend, but also because we are expected by the powers of the world to act as Mexico's nearest friend.

"We wish to act in these circumstances in the spirit of the most earnest and disinterested friendship. It is our purpose in whatever we do or propose in this perplexing and distressing situation not only to pay the most scrupulous regard to the sovereignty and independence of Mexico—that we take as a matter of course to which we are bound by every obligation of right and honor—but also to give every possible evidence that we act in the interest of Mexico alone, and not in the interest of any person or body of persons who may have personal or property claims in Mexico which they may feel that they have the right to press. We are seeking to counsel Mexico for her own good and in the interest of her own peace, and not for any other purpose whatever. The Government of the United States would deem itself discredited if it had any selfish or ulterior purpose in transactions where the peace, happiness and prosperity of a whole people are involved. It is acting as its friendship for Mexico, not as any selfish interest, dictates.

"The present situation in Mexico is incompatible with the fulfillment of international obligations on the part of Mexico, with the civilized development of Mexico herself, and with the maintenance of tolerable political and economic conditions in Central America. It is upon no common occasion, therefore, that the United States offers her counsel and assistance. All America cries out for a settlement.

"A satisfactory settlement seems to us to be conditioned on:

"(a) An immediate cessation of fighting throughout Mexico, a definite armistice solemnly entered into and scrupulously observed.

"(b) Security given for an early and free election in which all will agree to take part.

"(c) The consent of General Huerta to bind himself not to be a candidate for election as President of the Republic at this election.

"(d) The agreement of all parties to abide by the results of the election and co-operate in the most loyal way in organizing and supporting the new administration.

"The Government of the United States will be glad to play any part in this settlement or in its carrying out which it can play honorably and consistently with international right. It pledges itself to recognize and in every way possible and proper to assist the administration chosen and set up in Mexico in the way and on the conditions suggested.

"Taking all the existing conditions into consideration, the Government of the United States can conceive of no reasons sufficient to justify those who are now attempting to shape the policy or exercise the authority of Mexico in declining the offices of friendship thus offered. Can Mexico give the civilized world a satisfactory reason for rejecting our good offices? If Mexico can suggest any better way in which to show our friendship, serve the people of Mexico, and meet our international obligations, we are more than willing to consider the suggestion.¹

"Mr. Lind executed his delicate and difficult mission with singular tact, firmness and good judgment, and made clear to the authorities at the City of Mexico not only the purpose of his visit but also the spirit in which it had been undertaken. But the proposals he submitted were rejected, in a note the full text of which I take the liberty of laying before you.²

"I am led to believe that they were rejected partly because the authorities at Mexico City had been grossly misinformed and misled

¹ What purports to be Mr. Lind's presentation of this subject matter was published in the *North American Review*, April, 1914.

² The note referred to, signed by F. Gamboa, secretary for foreign affairs, dated August 16, 1913, is not here reprinted. Its text can be found in 7 *American Journal of International Law*, Supplement, 284-292. The contentions of Señor Gamboa set forth in the note are: "The imputation that no progress has been made toward establishing in the capital of Mexico a government that may enjoy the respect and obedience of the Mexican people is unfounded." He "fails to understand what the Government of the United States of America means by saying that it does not find itself in the same case with reference to the other nations of the earth concerning what is happening and is likely to happen in Mexico." He rejected good offices "of the character of those now tendered to us." He suggested that the United States "should only watch that no material and monetary assistance is given to rebels who find refuge, conspire and provide themselves with food on the other side of the border." "Mr. Wilson is laboring under a serious delusion when he declares that the present situation of Mexico is incom-

upon two points. They did not realize the spirit of the American people in this matter, their earnest friendliness and yet sober determination that some just solution be found for the Mexican difficulties; and they did not believe that the present administration spoke, through Mr. Lind, for the people of the United States. The effect of this unfortunate misunderstanding on their part is to leave them singularly isolated and without friends who can effectually aid them. So long as the misunderstanding continues we can only await the time of their awakening to a realization of the actual facts. We cannot thrust our good offices upon them. The situation must be given a little more time to work itself out in the new circumstances; and I believe that only a little while will be necessary. For the circumstances are new. The rejection of our friendship makes them new and will inevitably bring its own alterations in the whole aspect of affairs. The actual situation of the authorities at Mexico City will presently be revealed.

"Meanwhile, what is it our duty to do? Clearly, everything that we do must be rooted in patience and done with calm and disinterested deliberation. Impatience on our part would be childish, and would be fraught with every risk of wrong and folly. We can afford to exercise the self-restraint of a really great nation which realizes its own strength and scorns to misuse it. It was our duty to offer our active assistance. It is now our duty to show what

patible with the compliance of her international obligations, with the development of its own civilization and with the required maintenance of certain political and economical conditions tolerable in Central America." He rejected the four conditions on these grounds: (a) "Bandits are not admitted to armistice; the first act against them is one of correction." (b) "As our laws already provide assurance [of free elections], there is no fear that the latter may not be observed during the coming election." The present government "will cede its place to the definite government which may be elected by the people." (c) General Huerta's agreeing not to be a candidate cannot be considered, because that "might be interpreted as a matter of personal dislike. This point can only be decided by Mexican public opinion when it may be expressed at the polls." (d) The pledge that all parties should agree to the results and co-operate in organizing and supporting the new administration "is something to be tacitly supposed and desired." Señor Gamboa argued that General Huerta legally held the position of provisional president according to article 85 of the constitution. Referring to the last sentence in Mr. Lind's instructions, Señor Gamboa suggested: "that our ambassador be received in Washington; that the United States of America send us a new ambassador, without previous conditions."

true neutrality will do to enable the people of Mexico to set their affairs in order again and wait for a further opportunity to offer our friendly counsels. The door is not closed against the resumption, either upon the initiative of Mexico or upon our own, of the effort to bring order out of the confusion by friendly co-operative action, should fortunate occasion offer.

“While we wait the contest of the rival forces will undoubtedly for a little while be sharper than ever, just because it will be plain that an end must be made of the existing situation, and that very promptly; and with the increased activity of the contending factions will come, it is to be feared, increased danger to the noncombatants in Mexico as well as to those actually in the field of battle. The position of outsiders is always particularly trying and full of hazard where there is civil strife and a whole country is upset. We should earnestly urge all Americans to leave Mexico at once, and should assist them to get away in every way possible,—not because we would mean to slacken in the least our efforts to safeguard their lives and their interests, but because it is imperative that they should take no unnecessary risks when it is physically possible for them to leave the country. We should let every one who assumes to exercise authority in any part of Mexico know in the most unequivocal way that we shall vigilantly watch the fortunes of those Americans who cannot get away, and shall hold those responsible for their sufferings and losses to a definite reckoning. That can be and will be made plain beyond the possibility of a misunderstanding.

“For the rest, I deem it my duty to exercise the authority conferred upon me by the law of March 14, 1912, to see to it that neither side to the struggle now going on in Mexico receive any assistance from this side the border. I shall follow the best practice of nations in the matter of neutrality by forbidding the exportation of arms or munitions of war of any kind from the United States to any part of the Republic of Mexico—a policy suggested by several interesting precedents and certainly dictated by many manifest considerations of practical expediency. We cannot in the circumstances be the partisans of either party to the contest that now distracts Mexico or constitute ourselves the virtual umpire between them.

"I am happy to say that several of the great Governments of the world have given this Government their generous moral support in urging upon the provisional authorities at the City of Mexico the acceptance of our proffered good offices in the spirit in which they were made. We have not acted in this matter under the ordinary principles of international obligation. All the world expects us in such circumstances to act as Mexico's nearest friend and intimate adviser. This is our immemorial relation toward her. There is nowhere any serious question that we have the moral right in the case or that we are acting in the interest of a fair settlement and of good government, not for the promotion of some selfish interest of our own. If further motive were necessary than our own good will toward a sister republic and our own deep concern to see peace and order prevail in Central America, this consent of mankind to what we are attempting, this attitude of the great nations of the world toward what we may attempt in dealing with this distressed people at our doors, should make us feel the more solemnly bound to go to the utmost length of patience and forbearance in this painful and anxious business. The steady pressure of moral force will before many days break the barriers of pride and prejudice down, and we shall triumph as Mexico's friends sooner than we could triumph as her enemies—and how much more handsomely, with how much higher and finer satisfactions of conscience and of honor!"

In the President's annual address to Congress on December 2, 1913, he referred to the Mexican situation again. At that time he said:

b. EXCERPT FROM PRESIDENT WILSON'S ANNUAL ADDRESS, DECEMBER 2, 1913.

"There is but one cloud upon our horizon. That has shown itself to the south of us, and hangs over Mexico. There can be no certain prospect of peace in America until General Huerta has surrendered his usurped authority in Mexico; until it is understood on all hands, indeed, that such pretended governments will not be countenanced or dealt with by the Government of the United States. We are the

friends of constitutional government in America; we are more than its friends, we are its champions; because in no other way can our neighbors, to whom we would wish in every way to make proof of our friendship, work out their own development in peace and liberty. Mexico has no government. The attempt to maintain one at the City of Mexico has broken down, and a mere military despotism has been set up which has hardly more than the semblance of national authority. It originated in the usurpation of Victoriano Huerta, who, after a brief attempt to play the part of constitutional President, has at last cast aside even the pretense of legal right and declared himself dictator. As a consequence, a condition of affairs now exists in Mexico which has made it doubtful whether even the most elementary and fundamental rights either of her own people or of the citizens of other countries resident within her territory can long be successfully safeguarded, and which threatens, if long continued, to imperil the interests of peace, order and tolerable life in the lands immediately to the south of us. Even if the usurper had succeeded in his purposes, in despite of the constitution of the Republic and the rights of its people, he would have set up nothing but a precarious and hateful power, which could have lasted but a little while, and whose eventual downfall would have left the country in a more deplorable condition than ever. But he has not succeeded. He has forfeited the respect and the moral support even of those who were at one time willing to see him succeed. Little by little he has been completely isolated. By a little every day his power and prestige are crumbling and the collapse is not far away. We shall not, I believe, be obliged to alter our policy of watchful waiting. And then, when the end comes, we shall hope to see constitutional order restored in distressed Mexico by the concert and energy of such of her leaders as prefer the liberty of their people to their own ambitions."

Mexican conditions continued to grow less rather than more settled. Very definite opposition arose to General Huerta in several quarters, and several times citizens of the United States within the country were victims of attacks. The American Government did all

that it could to induce its citizens to withdraw, and one of the incidents of the winter was a wholesale exodus of such persons from Mexico. On January 13, 1914, the Huerta government suspended for six months payment of interest on the national debt, and on the 16th France, Germany, and Great Britain protested this action. On February 2 President Wilson by executive order revoked the proclamation of March 14, 1912,¹ of President Taft forbidding the shipment of arms and munitions of war into Mexico. The situation became critical. Finally the events which called forth action were reviewed by the President in his address to Congress on April 20, 1914, in which he said:

c. PRESIDENT WILSON'S ADDRESS TO CONGRESS, APRIL 20, 1914.

"Gentlemen of the Congress, it is my duty to call your attention to a situation which has arisen in our dealings with Gen. Victoriano Huerta at Mexico City which calls for action, and to ask your advice and co-operation in acting upon it. On the 9th of April a paymaster of the U. S. S. *Dolphin* landed at the Iturbide Bridge landing at Tampico with a whaleboat and boat's crew to take off certain supplies needed by his ship, and while engaged in loading the boat was arrested by an officer and squad of men of the army of General Huerta. Neither the paymaster nor any one of the boat's crew was armed. Two of the men were in the boat when the arrest took place, and were obliged to leave it and submit to be taken into custody, notwithstanding the fact that the boat carried, both at her bow and at her stern, the flag of the United States. The officer who made the arrest was proceeding up one of the streets of the town with his prisoners when met by an officer of higher authority, who ordered him to return to the landing and await orders; and within an hour and a half from the time of the arrest orders were received from the commander of the Huertista forces at Tampico for the release of the paymaster and his men. The release was followed by apologies from the commander and later by an expression of regret by General Huerta himself. General Huerta urged that martial law obtained at the time at

¹ U. S. Stat. at L., 37, 1733.

Tampico; that orders had been issued that no one should be allowed to land at the Iturbide Bridge; and that our sailors had no right to land there. Our naval commanders at the port had not been notified of any such prohibition; and, even if they had been, the only justifiable course open to the local authorities would have been to request the paymaster and his crew to withdraw and to lodge a protest with the commanding officer of the fleet. Admiral Mayo regarded the arrest as so serious an affront that he was not satisfied with the apologies offered, but demanded that the flag of the United States be saluted with special ceremony by the military commander of the port.

"The incident cannot be regarded as a trivial one, especially as two of the men arrested were taken from the boat itself—that is to say, from the territory of the United States—but had it stood by itself it might have been attributed to the ignorance or arrogance of a single officer. Unfortunately, it was not an isolated case. A series of incidents have recently occurred which cannot but create the impression that the representatives of General Huerta were willing to go out of their way to show disregard for the dignity and rights of this Government and felt perfectly safe in doing what they pleased, making free to show in many ways their irritation and contempt. A few days after the incident at Tampico an orderly from the U. S. S. *Minnesota* was arrested at Vera Cruz while ashore in uniform to obtain the ship's mail and was for a time thrown into jail. An official dispatch from this Government to its embassy at Mexico City was withheld by the authorities of the telegraphic service until peremptorily demanded by our chargé d'affaires in person. So far as I can learn, such wrongs and annoyances have been suffered to occur only against representatives of the United States. I have heard of no complaints from other Governments of similar treatment. Subsequent explanations and formal apologies did not and could not alter the popular impression, which it is possible it had been the object of the Huertista authorities to create, that the Government of the United States was being singled out, and might be singled out with impunity, for slights and affronts in retaliation for its refusal to recognize the pretensions of General Huerta to be regarded as the constitutional provisional President of the Republic of Mexico.

"The manifest danger of such a situation was that such offenses might grow from bad to worse, until something happened of so gross and intolerable a sort as to lead directly and inevitably to armed conflict. It was necessary that the apologies of General Huerta and his representatives should go much further; that they should be such as to attract the attention of the whole population to their significance and such as to impress upon General Huerta himself the necessity of seeing to it that no further occasion for explanations and professed regrets should arise. I therefore felt it my duty to sustain Admiral Mayo in the whole of his demand and to insist that the flag of the United States should be saluted in such a way as to indicate a new spirit and attitude on the part of the Huertistas.

"Such a salute General Huerta has refused, and I have come to ask your approval and support in the course I now purpose to pursue.

"This Government can, I earnestly hope, in no circumstances be forced into war with the people of Mexico. Mexico is torn by civil strife. If we are to accept the tests of its own constitution, it has no government. General Huerta has set his power up in the City of Mexico, such as it is, without right and by methods for which there can be no justification. Only part of the country is under his control. If armed conflict should unhappily come as a result of his attitude of personal resentment toward this Government, we should be fighting only General Huerta and those who adhere to him and give him their support, and our object would be only to restore to the people of the distracted Republic the opportunity to set up again their own laws and their own Government.

"But I earnestly hope that war is not now in question. I believe that I speak for the American people when I say that we do not desire to control in any degree the affairs of our sister Republic. Our feeling for the people of Mexico is one of deep and genuine friendship, and everything that we have so far done or refrained from doing has proceeded from our desire to help them, not to hinder or embarrass them. We would not wish even to exercise the good offices of friendship without their welcome and consent. The people of Mexico are entitled to settle their own domestic affairs in their

own way, and we sincerely desire to respect their right. The present situation need have none of the grave implications of interference if we deal with it promptly, firmly, and wisely.

"No doubt I could do what is necessary in the circumstances to enforce respect for our Government without recourse to the Congress and yet not exceed my constitutional powers as President, but I do not wish to act in a matter possibly of so grave consequence except in close conference and co-operation with both the Senate and House. I therefore come to ask your approval that I should use the armed forces of the United States in such ways and to such an extent as may be necessary to obtain from General Huerta and his adherents the fullest recognition of the rights and dignity of the United States, even amidst the distressing conditions now unhappily obtaining in Mexico.

"There can in what we do be no thought of aggression or of selfish aggrandizement. We seek to maintain the dignity and authority of the United States only because we wish always to keep our great influence unimpaired for the uses of liberty, both in the United States and wherever else it may be employed for the benefit of mankind."

As a result of the President's address, authority for action was given by the following resolution of Congress:

d. JOINT RESOLUTION JUSTIFYING THE EMPLOYMENT OF THE ARMED FORCES OF THE UNITED STATES BY THE PRESIDENT.¹

In view of the facts presented by the President of the United States in his address delivered to the Congress in joint session on the twentieth day of April, 1914, with regard to certain affronts and indignities committed against the United States in Mexico: Be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is justified in the employment of the armed forces of the United States to enforce his demand for unequivocal amends for certain affronts and indignities committed against the United States.

¹ U. S. Stat. at L., 38, 770.

Be it further resolved, That the United States disclaims any hostility to the Mexican people or any purpose to make war upon Mexico.

Approved April 22, 1914.

On April 21, the President ordered Admiral Fletcher to take possession of the customhouse at Vera Cruz to prevent the landing of the munitions cargo of the German ship *Ypiranga*, consisting of 15,000,000 rounds of ammunition and 200 rapid fire guns consigned to General Huerta. The customhouse was occupied by American marines and sailors after fighting in which 19 Americans were killed and 70 were wounded, the Mexican casualties being 126 killed and 195 wounded. Fighting continued for several days. On April 22 passports were handed by General Huerta to Nelson O'Shaughnessy, the American chargé d'affaires at Mexico City, and on April 23 the Mexican chargé d'affaires at Washington, A. Algara R. de Terreros, asked for and received his passports. President Wilson restored the embargo on the shipment of arms into Mexico on April 23. On April 24 the Fifth Brigade of the United States army sailed from Galveston, Texas, for Vera Cruz.

On April 25, the ambassador of the United States of Brazil, the ministers of the Argentine Republic and the Republic of Chile, and the Secretary of State of the United States, made a joint tender of good offices.

e. TENDER AND ACCEPTANCE OF GOOD OFFICES AND MEDIATION.

(1.) *The Brazilian Ambassador and the Argentine and Chilean Ministers to the Secretary of State.*

WASHINGTON, April 25, 1914.

Mr. Secretary of State:

With the purpose of subserving the interests of peace and civilization on our continent, and with the earnest desire to prevent any further bloodshed, to the prejudice of the cordiality and union which have always surrounded the relations of the governments and peoples of America, we, the plenipotentiaries of Brazil, Argentina and Chile, duly authorized hereto, have the honor to tender to your Excellency's Government our good offices for the peaceful and friendly settlement of the conflict between the United States and Mexico.

This offer puts in due form the suggestions which we have had occasion to offer heretofore on the subject to the secretary, to whom we renew the assurances of our highest and most distinguished consideration.

D. DA GAMA.

R. S. NAÓN.

EDUARDO SUÁREZ-MUJICA.

(2.) *The Secretary of State to the Brazilian Ambassador and the Argentine and Chilean Ministers.*

DEPARTMENT OF STATE,
WASHINGTON, April 25, 1914.

The Government of the United States is deeply sensible of the friendliness, the good feeling and the generous concern for the peace and welfare of America manifested in the joint note just received from your Excellencies tendering the good offices of your Governments to effect, if possible, a settlement of the present difficulties between the Government of the United States and those who now claim to represent our sister Republic of Mexico.

Conscious of the purpose with which the proffer is made, this Government does not feel at liberty to decline it. Its own chief interest is in the peace of America, the cordial intercourse of her republics and their people, and the happiness and prosperity which can spring only out of frank, mutual understandings and the friendship which is created by common purpose.

The generous offer of your Governments is therefore accepted. This Government hopes most earnestly that you may find those who speak for the several elements of the Mexican people willing and ready to discuss terms of satisfactory, and therefore permanent, settlement. If you should find them willing, this Government will be glad to take up with you for discussion in the frankest and most conciliatory spirit any proposals that may be authoritatively formulated, and will hope that they may prove feasible and prophetic of a new day of mutual co-operation and confidence in America.

This Government feels bound in candor to say that, its diplomatic relations with Mexico being for the present severed, it is not possible for it to make sure of an uninterrupted opportunity to carry out the plan of intermediation which you propose. It is, of course, possible that some act of aggression on the part of those who control the military forces of Mexico might oblige the United States to act, to the upsetting of the hopes of

immediate peace; but this does not justify us in hesitating to accept your generous suggestion.

We shall hope for the best results within a time brief enough to relieve our anxiety lest ill-considered hostile demonstrations should interrupt negotiations and disappoint our hopes of peace.

The text of the mediators' tender to General Huerta is not available. It was probably identical with the first paragraph of the tender to the United States.

General Huerta accepted the tender of good offices on April 27 through the Spanish ambassador at Washington, who was acting for him diplomatically owing to lack of Mexican diplomatic representation near the Government of the United States. The acceptance by Señor Lopez Portillo y Rojas, his minister for foreign affairs, was "in principle":

(3.) *General Huerta's Minister for Foreign Affairs to the Brazilian Ambassador and the Argentine and Chilean Ministers.*¹

(CABLEGRAM.—VERY URGENT.)

MEXICO CITY, April 27, 1914.

With reference to yesterday's telegram, tell the Spanish Ambassador that mediation is accepted in principle, and that we are very much obliged for his good offices, as well as to the representatives of the A. B. C., which are a proof of the solidarity of the peoples of Spanish origin.²

LOPEZ PORTILLO Y ROJAS.

¹Boston *Evening Transcript*, May 2, 1914.

²The under-secretary for foreign affairs, Roberto Esteva Ruiz, in a statement to the New York *Tribune* (April 28, 1914) said:

"The Mexican chancellery accepted this mediation because all its efforts in the international conflict with the United States have been directed exclusively to the defense of the nation's honor and dignity, and, in consequence, if the opportunity presents itself of solving the conflict by peaceful means, the Mexican chancellery considers it the duty of patriotism to accept those means on the basis that, whatever arrangement may be concluded, care will be had that Mexico's name be honorably placed. . . . The Government's purpose has been to repel offenses done to the Mexican fatherland. But as soon as, in accordance with treaties signed at The Hague and with international practices, the possibility was presented of defending Mexico's honor through the friendly mediation of sister nations the Government accepted the spontaneous offer of the latter."

(4.) *Exchange of notes between the Mediating Diplomats and General Venustiano Carranza, first chief of the revolution opposed to General Huerta.*¹

i. The mediators to General Carranza, April 28, 1914.

We, the diplomatic representatives of Brazil, Argentina and Chile, empowered by our respective Governments to extend an offer of our good offices to all parties at interest in the problem of the pacification of Mexico and the adjustment of the differences between Mexico and the United States, herewith invite your attention to the facts in your capacity as Supreme Chief of the revolution, and we feel assured that you will accept the proposition in principle. Recognizing the sentiments of high patriotism which animate you, we take the liberty of transmitting this communication to you directly after having failed after several attempts to have our message communicated to you by your agents here.

ii. General Carranza to the mediators, April 29, 1914.

I thank you sincerely for the offer which you have so kindly made me in behalf of your respective Governments in an attempt to solve in a peaceful and friendly way the differences between Mexico and the United States. Therefore, by authority of my position as First Chief of the revolution, I accept in principle the good offices of Brazil, Argentina and Chile, through their distinguished representatives.

Reserving to myself the right to enter into details of the negotiations, it affords the greatest satisfaction to assure you of my most distinguished consideration.

On April 30, the United States and General Huerta had agreed to a mutual suspension of hostilities at the request of the mediators. The United States was to remain in occupation of Vera Cruz, but not to advance; the Huertistas were not to attempt to displace them. General Carranza would not consent to rest on his arms and as a consequence was not represented at the mediatory proceedings.

f. CORRESPONDENCE RESPECTING AN ARMISTICE.

(1.) *The Mediators to the United States, General Huerta and General Carranza.*

(Not available.)

¹ *New York Times*, April 30, 1914. General Carranza was titular chief of the Constitutionalist party. Its political purposes are set forth in Sen. Doc. No. 153, 63d Cong., 1st Sess.

(2.) *The Secretary of State to the Mediators.*

(April 29, 1914, not available.)

(3.) *General Huerta to the Mediators.*

(April 30, 1914, not available.)

(4.) *General Carranza to the Mediators, May 2, 1914.*¹

I again direct myself to you for the purpose of answering your message relative to the armistice. Calling your attention to the fact that the international conflict with the United States was internationally provoked by Huerta and for the solution of this I hurriedly accepted, in principle only, the good offices of Brazil, Argentina and Chile, but this act is independent of our internal strife for liberty and law. I consider it inconvenient for the rebel cause that I represent to suspend hostilities and military movements because said suspension would accrue only to the benefit of Huerta in the civil war now going on in Mexico between the usurper Huerta and the Constitutionalist army under my command. The sovereign citizenship is in arms with all activity to re-establish the constitutional order which will produce peace.

By virtue of the above, I state to you that I cannot accept the armistice which you propose.

Consider me as one acting solely with the determination of doing only what I consider best for the interests of his native country.

V. CARRANZA.

(5.) *The Mediators to General Carranza, May 3, 1914.*

We have received your courteous telegraphic message of yesterday in which you inform us that you deem it inadvisable for the Constitutionalist cause to suspend hostilities against General Huerta because such suspension would benefit the latter only, and in which you state that the international conflict between Mexico and the United States, for the solution of which you accepted our good offices, is independent of the internal strife in that country.

We consider this unexpected declaration incompatible with the purpose which prompted our tender of good offices. We believe, as a matter of fact, that all difficulties which have contributed to bring about the present situation of Mexico directly or indirectly affect the solution of the conflict pending between Mexico and the United States, and consequently we

¹ New York Times, May 4, 1914.

understand that they must be made the subject of consideration in the negotiations for the full success of which we have deemed the suspension of hostilities to be indispensable.

If you should not so understand, we would be compelled to withdraw as inofficious our invitation to appoint representatives of the Constitutionalist party to attend these negotiations. We greet you with all our consideration.

At a later time, General Carranza sought to enter the mediation conference, but was not willing to suspend hostilities. As a consequence, the mediation progressed without the presence of his delegates.

Niagara Falls, Ont., was selected as the place of the conferences, which opened on May 20, 1914. The commissioners for the United States were Supreme Court Justice Joseph Rucker Lamar and Hon. Frederick W. Lehmann, assisted by H. Percival Dodge, as secretary. General Huerta's delegates were Señores Emilio Rabasa, Augustin Rodriguez and Luis Elguero, assisted by Señor Rafael Elguero, as secretary.

g. PROTOCOLS OF THE MEDIATORY CONFERENCES HELD AT NIAGARA FALLS, ONT., MAY 20-JUNE 25, 1914.¹

(1.) *No. 1, May 20, 1914.*

i. Opening Address of Domicio da Gama, Ambassador from the United States of Brazil, as Chairman of the Mediators.²

The mediators extend to you a sincere welcome and trust that we shall not part until your hopes have been realized. Your hopes are undoubtedly the same which encouraged us to undertake this work of international sympathy, born of the ardent desire that the serene progress of civilization in America be not interrupted by the disastrous violences of a war between sister nations.

Many and varied are the thoughts which agitate our minds at this dramatic moment of our political life, but dominating all, as an imperative call of American sentiment, duty impels us not to spare any effort to discover and elucidate the causes of the Mexican conflict. It was with this

¹ Arranged on the authority of a dispatch to the *New York Tribune*, June 13, 1914.

² *New York Tribune*, May 21, 1914.

end in view and in order to ascertain the sources of the evil and provide a speedy remedy that we invited you, gentlemen, to attend this peace conference, held in this hospitable and friendly land, which, although under the flag of a powerful European empire, entertains and stands for sentiments of the purest Americanism.

Delegates of the United States of America, delegates of the United Mexican States, we are in need of your enlightenment in order to be able to arrive at a solution of the conflict which threatens the harmony between your nations with destruction. It is apparent that we were working for you, in the first place, when we offered you our services as mediators in the present conflict; and there is no doubt of the fact that you will derive the principal benefit from any good results of our work.

But as an ultimate and more important consequence than a mere solution of a contention between nations whose differences are not due to antagonistic results, we must throw such light upon this conference as will show it in history as an expression of the sentiments of that human solidarity which, not content with enjoying peace in solitude, seeks to extend its benefits to all.

This is the sentiment which prompted our tender of good offices to the United States and to Mexico; which sustained our spirit when almost overcome by the difficulties which beset our path, and, with the aid of your Governments, we hope to be able to overcome. If we succeed in doing so, we shall have affirmed by a striking example the never-to-be-forgotten lesson that even in the midst of the turmoil of battle and the unchained tempests of hate and conflicting ambitions, above all this tumult, will be heard the clear and persuasive voice of reason counseling the sacrifice of persons in favor of the collective interests of the people and spreading the gospel of peace and justice.

ii. Rules of Procedure.¹

First, the plenipotentiaries of Brazil, Argentina and Chile will preside over the conferences. The Brazilian ambassador will direct the proceedings of the conferences.

Second, the minutes of the proceedings will be signed by the representatives and the three mediators; they will be countersigned by the three secretaries of the mediators and said minutes shall be drafted in English, Spanish and Portuguese and five copies thereof shall be made, namely, one copy for each of the representatives and one copy for each of the mediators. The deliberations shall be secret.

¹ Boston *Evening Transcript*, May 21, 1914.

Third, the full conference will be held, first, for the expression of the views of the representatives upon their request; second, for the presentation of basis of same; third, for their acceptance or rejection.

Fourth, the conferences will be closed by a full final session at which will be stated all the particular circumstances which were considered in arriving at the final result of the conference, whatever such result may be. In the event of a favorable solution being reached, the minutes of the last full session at which said solution was accepted shall form the basis of the protocol of documents to be signed.

Fifth, closing addresses by the mediators and representatives, should they so desire.

(2.) *No. 2, June 2, 1914.*

i. Statement of policy by Mexican delegation.¹

In accordance with the instructions which the Mexican delegation has had since the beginning of the peace negotiations, its members declared at the first full conference, that is to say, in the presence of the mediating plenipotentiaries and of the delegates of the United States of America, that President Huerta's personality is not an obstacle to the reaching of a satisfactory conclusion. General Huerta is prepared to withdraw from the government on condition that at the time of his withdrawal Mexico shall be politically pacified and the government succeeding his shall be such as to count on the acquiescence of the governed and on the support of public opinion, which constitute the real basis for peace and stability in any country.

It has been and is President Huerta's wish to place on record that neither mistaken pride nor personal interest will prevent his withdrawal once the above named conditions are satisfied.

The Mexican Government accepted the mediation of the South American powers, Brazil, Argentina and Chile, in a frank and open spirit, and the Mexican delegation has been guided and will be guided in all its acts by perfect good faith.

It should be unnecessary to say that President Huerta gave the Mexican delegation special instructions not to consent to anything which would hurt the sovereignty of the Mexican nation and to refuse a hearing in the deliberations of the conference to anything which might be construed as an imposition from the outside. For their own part the delegates would

¹ New York *Sun*, June 3, 1914.

not have accepted instructions of a different nature on these points; but they beg to state that hitherto they had no occasion to refer to them, thanks to the exquisite tact of the mediating plenipotentiaries and to the circumspection of the American delegates.

To treat of the interior pacification of Mexico in the course of deliberations on difficulties of an international character cannot be considered as submitting the sovereignty of the nation to an external influence. Said pacification is necessarily bound up with the international questions. This has been appreciated by the Mexican delegation, and in setting forth the intentions of its Government in the matter and in its endeavors to bring about the pacification it has been inspired by the knowledge that without it no satisfactory conclusion can be arrived at in the international question.

(3.) *No. 3, June 12, 1914.*¹

A government is to be constituted in Mexico of a character to be later provided, which shall be recognized in Mexico City (date to be fixed) and which from that day forward shall exercise public functions until there shall be inaugurated a constitutional President.

(4.) *Final Protocol, June 24, 1914.*

ARTICLE 1. The provisional government referred to in the protocol No. 3 shall be constituted by agreement of the delegates representing the parties between which the internal struggle in Mexico is taking place.

ART. 2. (a) Upon the constitution of the provisional government in the City of Mexico, the Government of the United States of America will recognize it immediately and thereupon diplomatic relations between the two countries will be restored.

(b) The Government of the United States of America will not in any form whatsoever claim a war indemnity or other international satisfaction.

(c) The provisional government will proclaim an absolute amnesty to all foreigners for any and all political offenses committed during the period of civil war in Mexico.

(d) The provisional government will negotiate for the constitution of international commissions for the settlement of the claims of foreigners on account of damages sustained during the period of civil war as a consequence of military acts or the acts of national authorities.

¹ *Boston Globe*, June 13, 1914.

ART. 3. The three mediating governments agree on their part to recognize the provisional government organized as provided by Article 1 of this protocol.¹

h. RESOLUTION OF THE PAN AMERICAN UNION, MAY 6, 1914.²

"The official Pan American response to the mediatory efforts occurred in the meeting of the Governing Board of the Pan American Union on May 6, 1914. During that meeting Secretary of State Bryan, who as chairman *ex officio* was the representative of the United States on the board, expressed his appreciation of the tender of three of the Governments of the Union, Argentina, Brazil, and Chile, for mediation on behalf of peace on this continent, to which the Brazilian ambassador, Senhor Domicio da Gama, replied in appropriate terms. At the conclusion of the remarks, Dr. Gonzalo S. Córdova, the minister from Ecuador, acting under instructions from his Government, introduced the following resolution, which was seconded by the other diplomats present, and approved by unanimous vote:

"The Pan American Union applauds and supports the mediation offered by the Governments of Argentina, Brazil, and Chile, through the medium of their distinguished representatives, for the preservation of the peace of the American Continent."

¹ The Mexican Senate in a short, secret session on July 11, 1914, expressed its approval of the protocol. Though the protocol did not require formal ratification, it was submitted to the Senate in order that the Executive might be guided by its opinion and advice. (*New York Times*, July 11, 1914.)

² *Bulletin of the Pan American Union*, Vol. 38, page 853.

4. The Pan American Union and Neutrality.

a. RESOLUTION OF THE GOVERNING BOARD OF PAN AMERICAN UNION, DECEMBER 8, 1914.¹

The Governing Board of the Pan American Union declares:

1. That the magnitude of the present European war presents new problems of international law, the solution of which is of equal interest to the entire world.

2. That in the form in which the operations of the belligerents are developing, they redound to the injury of the neutrals.

3. That the principal cause for this result is that the respective rights of the belligerents and of the neutrals are not clearly defined, notwithstanding that such definition is demanded both by general convenience and by the spirit of justice, which doubtless animates the belligerents with respect to the interests of the neutrals.

4. That considerations of every character call for a definition of such rights as promptly as possible upon the principle that liberty of commerce should not be restricted beyond the point indispensable for military operations.

On these grounds the Governing Board of the Pan American Union resolves:

1. A special commission of the same is hereby appointed to consist of nine members, of which the Secretary of State of the United States shall form part, acting as chairman thereof *ex officio*.

2. This commission shall study the problems presented by the present European war and shall submit to the Governing Board the suggestions it may deem of common interest. In the study of

¹ At the meeting delegates from eight American Republics, most of them acting under specific instructions from their Governments, urged united action by the American nations to assert the necessity of newer and clearer definitions of neutral and belligerent rights, and to consider some of the burdens placed upon commerce by the European war. It was declared by some of the speakers that the complications between American and European states already resulting from the presence of belligerent warships in American waters had demonstrated anew the vital need of Pan American solidarity.

questions of technical character this commission will consult the Board of Jurists.¹

3. Each Government may submit to the committee such plans or suggested resolutions as may be deemed convenient, on the different subjects that circumstances suggest.²

b. STATEMENT OF THE VENEZUELAN MINISTER IN SUBMITTING VENEZUELA'S PROPOSITION TO THE SPECIAL NEUTRALITY COMMITTEE OF THE PAN AMERICAN UNION, JANUARY 7, 1915.

I am profoundly grateful for the invitation extended to me by the Special Committee of the Governing Board of the Pan American Union to present at this meeting the memorandum of Venezuela relative to the rights of neutrals.

I have already had the honor to deliver to each one of the members of the Committee, as well as to each of the diplomatic representatives of the neutral powers accredited to Washington, the statement of the reasons upon which the Venezuelan Government has based its suggestion to the neutral nations for the gathering of a special congress.

We all agree that the circumstances attending modern warfare demand, more sternly each day, new limitations of the rights of belligerents in order to safeguard the rights of neutrals, and that it is beyond discussion that over against the rights of belligerents, stand the rights of neutrals to prepare and organize an effective action for their own security.

This is the action proposed by Venezuela, in the shape of a Congress of Neutrals to define, in the light of modern warfare, the rights and duties of neutrals, and in time to submit their conclusions to a

¹ The International Commission of Jurists exists under a convention signed at Third International American Conference on August 23, 1906, "for the purpose of preparing a draft of a code of private international law and one of public international law regulating the relations between the nations of America." The commission met and organized at Rio de Janeiro, June 26-July 20, 1912, since which time committees of delegates have been at work.

² The committee was immediately appointed, to consist of the secretary of state of the United States, and the ambassadors from Brazil, Chile and Argentina; and the ministers from Uruguay, Peru, Ecuador and Honduras.

Congress of all nations; these conclusions, after being unanimously accepted,—as it is meet they should be, as a matter of justice and expediency, because the belligerent of to-day is the neutral of to-morrow,—should be embodied definitely in international law.

The Venezuelan Government also believes that such a congress might establish a new duty, that of a union of neutrals in case of conflicts of the magnitude of the present, in order to protect their own interests: a duty the logical consequence of which would be a new right, that of mediating, which should of course be exercised with all such restrictions and limitations as would make it compatible with the respect due to the rights of belligerents. Thus we should, by a further step, come to the creation of a permanent body, which from the very beginning of a conflict would represent such union of neutrals, and in the exercise of its right to be heard might in the majority of cases avoid a rupture, and in any case might limit the extent, duration and range of hostilities.

The initiation of a congress of such a character should come from the American Republics, which, beside their traditional efforts for the success of international arbitration, enjoy the possession of absolute neutrality.

My Government, therefore, believes that your Committee is the one called upon to consider and prepare all questions relating to such congress.

Finally, the Government of Venezuela would be especially gratified, should the suggestion be adopted, that the initiative for the holding of such congress should come from the United States of America, because of the exceptional position it now holds in relation to both belligerents and neutrals, and as a fitting crown to the labors in which both President Wilson and Secretary of State Bryan have been engaged, with earnest and serene enthusiasm, in behalf of universal peace.

The suggestion of Venezuela is, in short, to embody, as soon as possible, in the law of nations, as finally defined and accepted by all nations, both the modifications that the present war has already indicated, and those that may be foreseen from its own evolution. The preparation of the program of such questions would devolve

upon the American nations which have initiated the idea of revising the rights and duties of neutrals. As to the calling of the congress, the proper time and place of meeting, as well as whether the gathering is to take place in one session or two, *i.e.*, whether the neutrals only are to be invited first, and then the belligerents, or whether both belligerents and neutrals are to meet together, Venezuela proposes that this be left to the wise decision of the Government of the United States of America.

(1) *Memorandum of the Ministry of Foreign Affairs of the United States of Venezuela concerning the Rights of Neutrals.*

(TRANSLATION.)

In time of war the duties of neutrality are invoked at every stage. Neutrals themselves, in order to justify any action demanded or opposed by any of the belligerents, adduce the duties which their position as neutrals makes apparent to them. But, fundamentally, they have not only duties to perform: they also have rights which they may claim. Like every juridic situation, neutrality will engender correlative rights and duties. Modern internationalists, Richard Kleen in particular, have expounded the principle upon this point with such clarity that its remotest consequences can be foreseen and defined. In the light of pure doctrine, then, it seems that the rights of neutrals must be preserved in all their integrity, in order to be as sacred as those of belligerents. Nevertheless it is customarily admitted that neutrals, because international relationship obliges them not to limit the liberty of belligerents in operations of war, have to suffer not a diminution of their rights but a certain *temporary modification in the exercise of their rights*. This concept, by reason of its elasticity, seems not to accord with a criterion of strict justice. It is applicable to many cases in which neutrals suffer, not a momentary modification in the exercise of their rights, but an evident violation, more or less grave, of the rights themselves. Here are the two tendencies which, before war begins, struggle for predominance in international practice: on the one hand, the pretension that the rights of war suspend those of neutrals, that the interest of the belligerent prevails; on the other hand, the

aspiration to improve and extend the rights of neutrals without disregarding the legitimate rights of war, an aspiration which has come to be affirmed in just the degree in which international law has progressed and whose purpose is to establish a reasonable equilibrium of interest, more in accord with justice. The reality of these two tendencies, like the equilibrium desired, is proved by the history of some great peoples who, according to the interest of the particular moment, that is to say, as they were belligerents or neutrals, have alternately represented the two aspirations.

An impartial examination of the question in time of peace, when no circumstantial interest disturbs the calmness of judgment, leads to the conclusion that, in the conflict of belligerent rights with those of the neutral, although both are equally worthy of respect, the latter at least have in their favor reasons for demanding a preferential treatment, which surpass those of the belligerent. By unanimous conviction peace is the regular and logical state of international society. War is a disturbance, sometimes necessary, at times inevitable, but in every case a calamity, which belligerents are the first to suffer from and to deplore, and the responsibility for which they seek to evade. When the event of war occurs, the belligerent, although dragged into it by necessities and circumstances for which he may not be responsible, nevertheless claims and maintains an alteration from normal international relations. Neutrals, on the contrary, continue the regular and harmonious life of peace and this circumstance must not diminish in any considerable degree their right, nor render it inferior, or less to be heeded. Against reasoning so clear, the belligerent may adduce defense of the highest right of his own existence or of his own liberty. However exalted so fundamental a right may be and is, it is none the less certain that it is limited by the doctrine and practice of nations. The prohibition of using certain methods of hostility against the enemy because they are cruel or excessive are manifest limitations of the right of defense. So that new limitations of the right of belligerents respecting the right of neutrals are opposed neither to theory or practice. The circumstances in which modern war in each instance manifests itself with greater force are demanding similar limitations.

Without doubt this might be said of momentary modification in the exercise of rights of neutrals in ancient wars, when international life was scarcely outlined or was only slightly intense, and this may well be the case of neutrals to-day if war is localized in a determined region or limited and circumscribed in a precise manner by two nations, always providing that these by their position or importance are not of those who intervene forcibly in the world's activity. But in no way can this declaration be accepted in the case of conflicts like that which to-day holds the world preoccupied and in suspense, in which some of the richest and most civilized nations are taking part. And this occurs in a time of intense international life during which the internationalization of all interests is each day made more intimate, complex and inextricable, to the point where injury inflicted upon a single people penetrates in a sensible degree immediately and certainly to the most distant peoples.

Nothing proves this so manifestly as the general unbalancing by which at its very beginning the present conflict surprised and disturbed those things which are *par excellence* the most international, namely, commercial relations, economic activity, credit operations, circulation of gold, whatsoever implies the wealth of the world. At the very declaration of war, with economic damage inevitable for the belligerent nations and their subjects, there occurred an equivalent injury to neutral states and their populations, not only respecting the interests of those connected with the territory and the populations of the belligerents, but also with respect to their most vital interests even within their own territory.

Thus the action of the belligerent when he declares or accepts war is exercised as directly in the territory of neutrals as in his own territory.

It is true that in times of peace the effort has been occasionally made to modify the law of war in favor of the interests which it may affect. But the very operations of war develop with such rapidity that the evolution of law relating thereto comes slowly and after inevitable delay, even in spite of the most courageous efforts. A very notable and most important example of this is offered in the

doctrine of neutral commerce in time of war. The doctrine recognizes as legitimate the right of the neutral to trade with the belligerent, with a limitation at first sight just and necessary, namely, contraband of war. Such is the law. The actual fact is otherwise and tends to nullify the law. Methods of making war have multiplied to such a degree that the military art lays the most diverse industries under tribute. In the hour of conflict every industrial organ of a powerful state assists with the sole purpose of the common defense. War has the first call on the most varied products and the most dissimilar materials. Thus, as a result of the mere development of warlike mechanism, the list of articles which are considered or may be considered as contraband of war tends to enlarge and to acquire an unlimited extension. Those times are remote when common gunpowder and its components, lead and a few other metals were the only materials particularly under suspicion. To-day one is surprised at the number of articles which in past wars could not have been suspected, but which now are from day to day included in contraband of war. Unfortunately, as the list enlarges it comprises materials of the very widest applications. The prohibition therefore not only affects warlike industries but also, and gravely, peaceful industries. The right of the neutral to trade freely in them is on the way to annihilation.

Resulting from the constantly closer internationalization of interests, which little by little is evolving conceptions as rigid as sovereignty, such acts induce the thought that, although the sovereignty and the integrity of neutrals remain safe as far as persons are concerned, perhaps the same cannot be said concerning their interests, and even their most vital and deepest interests.

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If neutrality has never been synonymous with indifference in the past, in these days it means that still less. Neutrals cannot be indifferent to universal economic damage, the probable consequence of the current war in Europe, if it should continue indefinitely, as there is reason to fear. The damage would be the same for all, even though for the moment it might appear that some countries gain by the war.

At the same time, because the present war is of huge proportions

and affects many of the civilized nations of the world, the precious fruits of civilization, which are common to all, and not the exclusive patrimony of any people, are in peril, along with very considerable economic interests.

One is driven to the conclusion that over against the active right of belligerents rises the right of neutrals to concert and organize a proper, efficacious and beneficent battle for security, in substitution for their old passivity, and by reason of the new solidarity in which injured interest has temporarily bound them together.

The application of this right does not lack precedents. History records instances of leagues of neutrals for the defense of freedom of commerce and navigation, like that of Sweden and Denmark of 1698, and the still more important one which originated from the manifesto of Catherine of Russia in 1780. If the principle immediately seems incontestable, its development and the mode of its exercise call for some discussion. The definition would correspond with a congress of neutrals which would have to revise, as is now necessary, rights and duties of neutrality in the light of the novelties introduced by modern war. Considering further that the principle, that the right of the belligerent takes precedence over that of the neutral, is held to be unacceptable in equity and justice, the congress might plan a new duty, that of uniting neutrals in the face of conflicts of the magnitude of the present one, which so directly and seriously injure them, in order to organize for the protection of their own interests; a duty whose logical consequence would be the new right, that of mediating, which would be exercised immediately with all those restrictions of circumstance and time which would render it compatible with the respect due to the right of belligerents. Mediation, thus made vital, would have results considerably more efficacious than the mediation customary in international practice. If this latter presents certain characteristics of officiousness and cannot open the way without consent by both belligerents, the mediation of a league of neutrals, without losing those characteristics, offers those very decisive ones of representing, with the good offices of impartial states, the voice of those who also labor to watch over and defend their injured interests. The conclusions at which the

Congress would arrive would then be submitted to an assembly of all the nations, and would be unanimously recognized, as they would have to be in justice and for convenience, since the belligerent of to-day is the neutral of to-morrow. They would remain incorporated in international law as the effective conquest of civilization and the pledge of peace for the future. In this way, a further step would realize the creation of a permanent entity to represent the league of neutrals from the first sign of a conflict, and, by making itself heard as of right, it would in the majority of cases prevent the rupture; and it always would limit the extension, the duration, and the range of the hostilities.

In the face of the present conflict which includes peoples of Europe and of Asia, the initiative for a congress of neutrals belongs to the nations of America. Possessed of an absolute neutrality not subject to suspicion, by their geographic position, by their extensive connections with all belligerent peoples, by their character as pacific powers, by their traditional efforts for the success of international arbitration, gravely injured by the war as to their present situation and their future progress, the American nations are called to the high duty of mediation.

c. MEMORANDUM OF HON. ROBERT LANSING, SECRETARY OF STATE, AS
MEMBER OF AMERICAN INSTITUTE OF INTERNATIONAL LAW.

At the first meeting of the Institute, I had the honor to direct attention to the imperfect code of rules which define and govern the relations between belligerents and neutrals. These rules, which have grown up during the past 125 years and have been in some cases differently interpreted by courts of different countries, have been frequently found inadequate to meet new conditions of warfare, and as a result every war has changed, modified, or added to the rules, generally through the process of judicial decisions. The prize courts of belligerents have thus become their interpreters of belligerent rights and neutral obligations, and their interpretations evidence an unconscious prejudice arising from over-appreciation of the needs of the belligerent.

Writers on international law have relied upon these prize court decisions in dealing with the subject of neutrality, so that they have laid down rules formulated indirectly from a belligerent's point of view. In addition to these influences affecting a code to govern the conduct and treatment of neutrals, international conferences and congresses have generally confided the drafting of rules relating to belligerent and neutral rights to military and naval experts, who naturally approach the subject from the belligerent's standpoint. Thus judicial decisions, text-writers, and international agreements have given all the advantage to the belligerent and have shown little regard for the rights of neutrals.

It would appear that it is time to reverse this process of treatment of the subject of neutrality and to deal with it from the point of view of the neutral. I would, therefore, suggest that a committee be appointed to study the problem of neutral rights and neutral duties, seeking to formulate in terms the principle underlying the relations of belligerency to neutrality rather than the express rules governing the conduct of a nation at war to a nation at peace.

I would further suggest that the subject might be advantageously divided into two parts, namely, the rights of neutrals on the high seas, and the duties of neutrals dependent upon territorial jurisdiction.

In view of the past year and a half of war, the present time seems particularly opportune to study this question, and this Institute, being composed of members from neutral nations, is especially fitted to do this from the proper point of view and with the definite purpose of protecting the liberty of neutrals from unjustifiable restrictions on the high seas and from the imposition of needless burdens in preserving their neutrality on land.

5. Pan American Treaties for the Advancement of Peace.

a. HISTORICAL STATEMENT.

President Wilson on April 24, 1913, communicated to the diplomats accredited near the Government of the United States the following peace proposal:

The parties hereto agree that all questions of whatever character and nature, in dispute between them, shall, when diplomatic efforts fail, be submitted for investigation and report to an international commission (the composition to be agreed upon); and the contracting parties agree not to declare war or begin hostilities until such investigation is made and report submitted.

The investigation shall be conducted as a matter of course upon the initiative of the commission, without the formality of a request from either party; the report shall be submitted within (time to be agreed upon) from the date of the submission of the dispute, but the parties hereto reserve the right to act independently on the subject matter in dispute after the report is submitted.

A supplementary memorandum by the secretary of state was issued at the same time, outlining the terms of the proposed treaty. This was rapidly accepted in principle by the powers. Negotiation proceeded and the Pan American states showed themselves especially ready to make such treaties. By the beginning of 1915 the United States had 30 treaties of this type signed and on the way to ratification.¹

The secretary of state of the United States announced on April 22, 1915, that a peace plan for the nations of the Western Hemisphere had been suggested by the Republic of Honduras, and submitted to the Governing Board by Alberto Membreño, minister from Honduras to the United States, and a little later president of that Republic. It was referred for consideration to the special Pan American committee,

¹ For a full statement of the antecedents, history and purpose of the principle involved in these treaties see Denys P. Myers, "The Commission of Inquiry: The Wilson-Bryan Peace Plan. Its Origin and Development," World Peace Foundation, Pamphlet Series, 1913.

appointed in the early stages of the war in Europe by the nations constituting the union. The memorandum was in reality an extension of the American peace plan.

b. SEÑOR ALBERTO MEMBREÑO TO THE GOVERNING BOARD OF THE PAN AMERICAN UNION, MARCH 8, 1915.

Mr. Chairman: While this committee was appointed only for the purpose of submitting its recommendations as to the means to be adopted to safeguard the rights of neutrals, in view of the European war, I do not deem it amiss to suggest that a rule be adopted tending to avoid armed conflicts. Before trying to forestall the evils of war we must endeavor to have such a scourge disappear forever from the face of the world.

Among the wise provisions contained in the first Hague Convention of 1907, there is one, in Article IX, creating an international commission of inquiry. Unfortunately, this provision excludes, from the remedy provided, disputes involving either the honor or the vital interests of nations; in other words, the very cases in which the services of impartial parties are most needed to study the issue calmly. Experience shows that duels are not fought—and duels are serious questions of honor among individuals—when the seconds obtain an explanation which is satisfactory to the one who claims that an offense has been committed and is demanding a blood satisfaction. Those who discharge executive functions in the government of states are, so to speak, more strictly under obligation to hear and consider reasons based on justice and expediency because, if it is true that in war they run a certain amount of personal risk, the greatest sacrifice is made by the people, and the damage, as in the present instance, extends to all nations.

The Government of the United States, representing the people of the United States—a people who believe that the prosperity of nations results from work and not from the extermination of those who in the struggle for life are battling for victory—has enhanced the principles set forth by the authors of the Hague Convention, in the sense that the commission of inquiry may take cognizance of all disputes of every nature whatsoever.

This doctrine as amended is a part of the treaties lately concluded between the United States and almost all the American nations, as well as many European countries. We may, therefore, embody it in international law.

I take the liberty of proposing that the members of the Governing Board of the Pan American Union present to their respective governments for their consideration the following rules:

1. All disputes of every nature whatsoever which it has not been possible to adjust through diplomatic methods shall be referred for investigation and report to an international commission, and, pending the full discharge of its duties by said commission, the nations engaged in the dispute cannot declare war or begin hostilities against each other.

2. This commission shall be a permanent one, and may act on its own initiative. In this case it behooves the commission to serve due notice to the parties in dispute, and to request their co-operation in order fully to discharge its duties.

3. The number of members of which the commission shall consist, their qualifications, manner of appointment, place where the commission shall sit, manner of procedure, and time for the submission of its report, shall be fixed by treaty or by any other method whereby the agreements reached by the governments may have full force and authority.¹

ALBERTO MEMBREÑO.

WASHINGTON, March 8, 1915.

¹ In his message to the Congress of Honduras delivered in Tegucigalpa on January 1, 1916, President Membreño said in effect that the consideration shown by the American Government and "the deference with which that Government has received our initiatives of international interest, have brought closer our relations with the Great Republic of the North."—(New York *Evening Post*, January 21, 1916.)

C. TREATY BETWEEN THE ARGENTINE REPUBLIC, THE UNITED STATES OF BRAZIL, AND THE REPUBLIC OF CHILE TO FACILITATE THE PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES.¹

The Governments of the Argentine Republic, the United States of Brazil, and the Republic of Chile, being desirous of affirming, at the present juncture, the cordial understanding which the community of ideals and interests has created between their respective countries and of consolidating the relations of close friendship which unite them, for the purpose of avoiding the possibility of violent conflicts in the future: and acting in accordance with the aims of concord and peace which inspire their international policy, and with the firm intention of co-operating in order that the fraternal relations of the American Republics may day by day rest upon a more solid basis; and having regard to the fact that, in the existing treaties of arbitration between Chile and Brazil, dated May 18, 1899, and in the treaty between the Argentine Republic and Chile of May 28, 1902, and that between the Argentine Republic and Brazil of September 7, 1905, which in each case established recourse to arbitration as the sole means of settling all disputes of whatsoever nature that might arise between those powers, exception is made, as far as the first of these treaties is concerned, of recourse to arbitration in respect to those questions which cannot be formulated juridically, and that the two last mentioned treaties excepted from arbitration all questions affecting the constitutional principles of the contracting countries: have resolved now to adopt a line of procedure that may facilitate the friendly solution of the questions that were excluded from arbitration by virtue of the said treaties, and for this purpose they have

¹ This treaty in all essentials is a type of all the conventions referred to in this section. The English text here printed is a translation by William Heaford from a Spanish text furnished by the Argentine minister in London and published in the National Peace Council *Monthly Circular*, II, 327-328, October 15, 1915. The translation has been modified as a result of comparison with a Spanish copy published in *La Prensa* of Buenos Aires, May 26, 1915, the text of which has been furnished by the Bureau of the Pan American Union. The Union informs us that Brazil ratified the treaty on November 10, 1915, the ratification being published in the *Diario Oficial* for November 14.

entered into a special treaty, for effecting which the following Plenipotentiaries have been appointed:

By the President of the Argentine Republic, Señor Doctor José Luis Murature, Secretary of State in the Department of Foreign Affairs and Public Worship;

By the President of the United States of Brazil, Señor Gen. Doctor Lauro Müller, Minister of State for Foreign Affairs;

By the President of the Republic of Chile, Señor Doctor Alejandro Lira, Secretary of State in the Department of Foreign Affairs;

Who, after having communicated their full powers, which were found to be in good and proper form, have entered into the following agreement:

ARTICLE I.

Disputes, which on account of any question that may arise in the future between the three contracting parties, or between any two of them, and which shall not have been settled by ordinary diplomatic means nor submitted to arbitration in accordance with the existing treaties, or in accordance with the treaties which may hereafter be arranged, shall be submitted for investigation and report to a permanent commission to be constituted according to the form which is established in Article III. The High Contracting Parties mutually undertake that they will not engage in acts of hostilities until after the report shall have been presented by the commission which is appointed by the present treaty, or until the lapse of a year, as referred to in Article V.

ARTICLE II.

It is understood that the stipulations in the preceding article shall not in any respect restrict either the compromis established under existing or future treaties of arbitration between the High Contracting Parties, nor the obligations to comply with the arbitral awards made on the questions which, in accordance with these treaties, have to be or shall have been settled by means of arbitration.

ARTICLE III.

In order to constitute the permanent commission to which Article I refers each of the High Contracting Parties shall appoint a delegate within the space of three months after ratification of the present treaty. Each Government may revoke the appointment of its own delegate at any time before an investigation is initiated, but this notwithstanding it accepts the obligation to appoint a substitute in the same document in which such revocation is set forth. Any vacancy that may occur owing to other causes shall be filled by the respective Government, and such vacancy shall not suspend the effects of the provisions established by this treaty.

ARTICLE IV.

The disputes to which reference is made in Article I shall be referred for investigation and report to a commission immediately after diplomatic negotiations shall have failed to bring about a settlement. Any one of the Governments interested in the dispute may issue the summons for convoking the commission, and for that purpose it shall suffice that its decision to do so shall be officially communicated to the other two Governments.

ARTICLE V.

The permanent commission will be constituted in the city of Montevideo within three months after it shall have been convoked, and will have the power to determine the rules of procedure to which it shall conform in the fulfillment of its mission. If for any cause whatever the said commission shall not be able to meet as soon as three months shall have transpired, it shall be considered duly constituted for the purpose of adjudicating upon the litigation, as provided in the present article. The High Contracting Parties undertake to supply the antecedent documents and reports necessary for making the investigation. The commission will present its report

within a year, counting from the date of its constitution. If the commission shall not be able to complete the investigation nor draw up its report within the period so fixed, that period may be extended for a further six months, always providing that the High Contracting Parties are in accord with this arrangement.

ARTICLE VI.

As soon as the report is submitted to the respective Governments, or in the event of the report not being presented within the stipulated period, the High Contracting Parties may resume their full liberty of action in order to proceed in such manner as they may consider agreeable to their interests in reference to the subject under investigation.

ARTICLE VII.

The present treaty shall be ratified, and the ratifications exchanged at Rio de Janeiro as soon as may be possible. It will remain in vigor for a year after it has been denounced by any one of the High Contracting Parties.

In witness whereof we, the Plenipotentiaries, whose names are above stated, have signed the present document in three copies, each being in the Spanish and Portuguese language, and have sealed the same with our seals.

Done in the city of Buenos Aires on the twenty-fifth day of May in the year one thousand nine hundred and fifteen.

(L.S.)

(Signed)

JOSÉ LUIS MURATURE.

LAURO MÜLLER.

ALEJANDRO LIRA.

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